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SUBJECT: AMBASSADOR RICE MEETS WITH TRI-PARTITE DELEGATION

Classified By: Ambassador Susan E. Rice for reasons 1.4 (b) and (d).

¶1. (C) Summary: On February 12, Ambassador Rice met with the tri-partite delegation consisting of representatives from the African Union, Arab League and Qatar to discuss Sudan, Mauritania and Somalia. AU Peace and Security Commissioner Ramtane Lamamra headed the delegation, which included Ambassador Samir Hosni representing the Arab League, and Qatari Perm Rep Nassir Abdulaziz Al-Nasser. The delegation advocated for Article 16 deferral of the impending International Criminal Court (ICC) decision on the arrest warrant against President Bashir. Lamamra also discussed the AU decision to impose sanctions on members of the junta responsible for the August 2008 coup in Mauritania and expressed the AU preference for the AU Mission in Somalia (AMISOM) to be re-hatted as a UN peacekeeping mission (PKO). Rice responded that the U.S. disagrees that Article 16 deferral is justified; the US welcomes the AU decision to impose sanctions in Mauritania; and the Administration has not yet decided what the US position on a PKO in Somalia would be. The U.S. favors providing support to AU troops on the ground but not necessarily as a UN peacekeeping operation. End Summary.

Sudan

¶2. (C) Lamamra began the discussion by cataloging the Government of Sudan's (GOS) progress on the ground, emphasizing its cooperation with UN-AU Mission in Darfur deployment and the talks being held in Doha, under the auspices of the UN/AU Joint mediator Djibril Bassole, between the Justice and Equality Movement and the GOS. He urged the U.S. to support deferral of the ICC decision under Article 16 of the Treaty of Rome. Lamamra argued that suspending ICC action for twelve months would not endanger accountability. He also noted that if a warrant is issued, justice will not necessarily be obtained because the warrant will not be executed.

¶3. (C) Rice responded that, while she respected the delegation's views, the U.S. could not agree with its position. She said that there is little to be gained by postponing an ICC decision. Rice noted that the situation in Sudan will be even more delicate in one year's time because Sudan will be only one year away from the 2011 referendum. Rice also stated that the implications of deferral would be felt beyond Sudan. She asked what message this would send to Kony, Nkunda, and the rebels in Sudan. Rice emphasized that crimes against humanity cannot go unpunished and unanswered.

¶4. (C) Lamamra posited the idea of creating benchmarks for an interim period, should deferral be granted, and holding the GOS accountable for meeting these benchmarks. Rice observed that, even if benchmarks were met, Bashir would still need to stand trial. She said that meeting benchmarks would not erase crimes that may have been committed. Rice concluded discussion of the ICC by noting that all parties in Sudan have an obligation to protect civilians, UN personnel and humanitarian workers. She underscored that, regardless

of the ICC decision, the US will continue to engage with Sudan. Rice encouraged the delegation to emphasize our shared goals for peace in Sudan. Lamamra said that the tripartite delegation will meet with President Bashir on February 18 and call upon him to cooperate and exercise restraint regardless of the ICC outcome.

Mauritania

¶15. (C) Lamamra discussed the AU decision to impose sanctions on individuals responsible for the August 2008 coup in Mauritania. He said that on February 20, representatives from the AU, Arab League and European Union will meet with senior officials from Mauritania for further discussions and to develop a consensus on the way forward. Lamamra asked for US support for sanctions. Rice said that the U.S. welcomed the AU decision to impose sanctions.

Somalia

¶16. (C) Lamamra stressed that the AU has always strongly supported sending a PKO to Somalia, and expressed his belief that when the issue is revisited in June, the Council should determine that AMISOM should be re-hatted as a UN PKO. Rice said that the Administration has not made a decision on this issue yet. However, she noted that UN peacekeeping resources are stretched to their limits, and there is no indication that the UN has sufficient troop commitments to fulfill a peacekeeping mandate in Somalia. Rice also said that the lessons of the early nineties remain; there is a danger that

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UN troops would be targeted by extremists as outsiders and occupiers. Rice noted that the U.S. concern is not merely a concern with resources but about what is best for peacekeepers in Somalia. Lamamra said he would like to discuss the matter further, perhaps in March or April.
Rice